U.S. Army Corps of Engineers

Galveston DISTRICT OFFICE: 23941 FILE NUMBER: PROJECT LOCATION INFORMATION: State: Texas Kleberg County: Center coordinates of site (latitude/longitude): 27 17 53.0851; 97 39 21.6534 Approximate size of area (parcel) reviewed, including uplands: 0.1 acre. Name of nearest waterway: Cayo del Grullo Name of watershed: Baffin Bay JURISDICTIONAL DETERMINATION Date: 3 October 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \text{(or)} \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.017 acre.</u> There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identification of the US.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. Project located on bay subject to daily ebb and flow of tidal waters.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

REVISED 7 SEP 04 FILE NUMBER: 23941

| Late | ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil □ destruction of terrestrial vegetation shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: | | | | |
|-------------|---|--|--|--|--|
| \boxtimes | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. | | | | |
| 4.0 10 | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: | | | | |
| | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Infrared color aerial photo shows channelized feature surrounded by upland area and above FEMA flood plain. Other (explain): | | | | |
| DATA | U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Riviera Beach, Texas. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory map: Riviera Beach, Texas. State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): USDA, 1995; TxGLO, 2005 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston D-14898 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Live Oak Center coordinates of site (latitude/longitude): 28 27 34.9187; 98 10 56.0009 Approximate size of area (parcel) reviewed, including uplands: 5 acres. Name of nearest waterway: Choke Canyon Reservoir Name of watershed: Lower Nueces JURISDICTIONAL DETERMINATION Date: 3 October 2005 Completed: Desktop determination 3 Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \((\text{or}) \) \(\square there appear to be no "waters of the appear to be no" \(\text{variance} \). United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: <u>0.04 acre.</u> There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. [4] Impoundments of waters otherwise defined as waters of the US. \boxtimes (5) The presence of a tributary to a water identified in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on tributaries to Nueces River.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(6) The presence of territorial seas.

REVISED 7 SEP 04
FILE NUMBER: D-14898

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ destruction of Jurisdiction: (Reference: 33 CFR parts 328 and 329) □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: | | | | |
|--------|---|--|--|--|--|
| 頭 | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. | | | | |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: | | | | |
| Bas | Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). | | | | |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Three Rivers, Texas. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Antural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify): | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Galveston DISTRICT OFFICE: 23945 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: Aransas County: Center coordinates of site (latitude/longitude): 28 03 27.4079; 97 01 4.6935 Approximate size of area (parcel) reviewed, including uplands: 7.24 acres. Name of nearest waterway: Gulf Intracoastal Waterway Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Date: 3 Oct 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit to be no "waters of the limit to be no "waters" of the limit to be no "water United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1.208 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located in tidal waters of Aransas Bay.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 23797

| | Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Indicated by: Indicat |
|--------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: |
| | U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Galveston **DISTRICT OFFICE:** 14114(05)/853 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: County: Cameron Center coordinates of site (latitude/longitude): 25 57 48.5080; 97 21 57.3920 Approximate size of area (parcel) reviewed, including uplands: 8.9 acres. Name of nearest waterway: Brownsville Ship Channel Name of watershed: South Laguna Madre JURISDICTIONAL DETERMINATION Date: 3 Oct 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the limit there appear to be no "waters of the limit there appear to be no "waters of the limit there appear to be no "waters of the limit the lim United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 4 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: _____. There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located under the tidal waters of the Brownsville Ship Channel.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

REVISED 7 SEP 04 FILE NUMBER: 23945

| Lat | Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: | | | | | |
|--|---|--|--|--|--|--|
| | Mean High Water Mark indicated by: Survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. | | | | | |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: | | | | | |
| | Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 32 CFR. | | | | | |
| DD CC UCC UCC UCC UCC UCC UCC UCC UCC UC | WIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): daps, plans, plots or plat submitted by or on behalf of the applicant. ata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): ata sheets prepared by the Corps. orps' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic map: Rockport, TX. S. Geological Survey 7.5 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: SDA Natural Resources Conservation Service Soil Survey: ational wetlands inventory map: ate/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): 0-year Floodplain Elevation is: (NGVD) rial Photographs (Name & Date): USDA, Jan 1995 her photographs (Date): lvanced Identification Wetland maps: e visit/determination conducted on: (Date) plicable/supporting case law: her information (please specify): | | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

Galveston DISTRICT OFFICE: 14392(05)/1984 FILE NUMBER: PROJECT LOCATION INFORMATION: Texas State: Nueces County: Center coordinates of site (latitude/longitude): 27 50 17.6274; 97 04 32.8021 Approximate size of area (parcel) reviewed, including uplands: 1 acre. Name of nearest waterway: Corpus Christi Ship Channel Name of watershed: South Corpus Christi Bay JURISDICTIONAL DETERMINATION Date: 3 October 2005 Completed: Desktop determination Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.017 acre. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project located on a commercial ship channel subject to Gulf of Mexico tidal waters.

REVISED 7 SEP 04

FILE NUMBER: 14114(05)/853

| La | Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: | | | | |
|--|---|--|--|--|--|
| × | Mean High Water Mark indicated by: ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. | | | | |
| 4. | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: | | | | |
| Bas | Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 2(a)(2) | | | | |
| DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Palmito Hill, TX. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Resources Conservation Service Soil Survey: National wetlands inventory map: Palmito Hill, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Valero, 2005 Other photographs (Name & Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (Date) Applicable/supporting case law: Other information (please specify): | | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

TRICT OFFICE: Galveston District FI

(6) The presence of territorial seas.

| DISTRIC FILE NU | TOFFICE: Galveston District MBER: 14392(05)/1985 | |
|-------------------------------------|--|-----------|
| State Cour Cent App Nam | Texas y: Aransas r coordinates of site (latitude/longitude): 28-4-14.25 97-12-34.23 eximate size of area (parcel) reviewed, including uplands: approx. 0.03 acres. of nearest waterway: Copano Bay of watershed: Aransas River | |
| JURISD Con | CTIONAL DETERMINATION pleted: Desktop determination Site visit(s) Date: 5 October 2005 Date(s): | |
| Jur | dictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). | ne ole |
| | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: Mathematical There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: approximately 0.3 acre. | ithin |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of Jurisdiction. | of No |
| | F JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used the past, or may be susceptible for use to transport interstate or foreign commerce. | d in |
| B. ⊠ | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflat sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation of destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iiii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. | s, r |

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Copano Bay is a navigable water and the project site is subject to the ebb and flow of the tide.

REVISED 7 SEP 04

FILE NUMBER: 14392(05)/1984

| La | Atteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: | | | | |
|------|--|--|--|--|--|
| × | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. | | | | |
| 6.3° | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: | | | | |
| Ba | asis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 3(a)(3) | | | | |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic map: Port Aransas, Texas. U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minu | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC FIL

| | | MBER: SWG05-14 | | | |
|-----|------------------------------|---|--|--|---|
| PRO | State Cour Cent App | nty: Aransas er coordinates of site roximate size of area e of nearest waterwa | e (latitude/longitud a (parcel) reviewed | e): , including | 27-58-47/97-05-08 g uplands: 35 acres. |
| JUF | RISD Con | ICTIONAL DETER repleted: Desktop of Site visit(| determination | \boxtimes | Date: 3 Oct 2005 Date(s): 3 Oct 2005 |
| | Juri | isdictional Determi | nation (JD): | | |
| | | n ii i In D | ased on available in for "navigable wate | nformation ers of the U | a, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| | \boxtimes | Approved JD – An Check all that apply | | appealable | e action (Reference 33 CFR part 331). |
| | | ☑ There are "navithe reviewed area. | igable waters of the Approximate size | e United Sof jurisdic | tates" (as defined by 33 CFR part 329 and associated guidance) within trional area: 0.7 acres. |
| | | There are "watereviewed area. Ap | ers of the United S proximate size of j | tates" (as urisdiction | defined by 33 CFR part 328 and associated guidance) within the nal area: 25 acres. |
| | | There are "isol | lated, non-navigab Decision support Jurisdiction. | le, intra-st ed by SW | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of N |
| BA | | The presence of wa | nder 33 CFR part | : 329 as "r ct to the el | navigable waters of the United States": be and flow of the tide and/or are presently used, or have been used in bort interstate or foreign commerce. |
| | B. 🗵 | (1) The presence of interstate or foreig (2) The presence of (3) The presence of sandflats, wetland destruction of white (i) which are (ii) from white (iii) which are (4) Impoundments (5) The presence of | of waters, which are no commerce, included interstate waters of other waters such s, sloughs, prairie pich could affect into or could be used by the correction of could be used sof waters otherwise of a tributary to a version of course. | ding all w including h as intrast potholes, v erstate con y interstate are or cou for industr se defined | as "waters of the United States": "used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands." "ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): "e or foreign travelers for recreational or other purposes." Id be taken and sold in interstate or foreign commerce. "ial purposes by industries in interstate commerce." as waters of the US. ified in (1) – (4) above. |
| | | | of territorial seas. | 2 . | cut AIG |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal basin and estaurine wetlands adjacent to Estes Cove.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

| I | ateral l | Extent of Inniediction (D.C. 22 CDD | | | FILE NUMBER: | 14392(05)/1985 |
|--|-----------|--|-------------|------|---|-------------------|
| | Ord | Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3 inary High Water Mark indicated by: | | | | () ===== |
| - | | clear, natural line impressed on the bank | | gh | Tide Line indicated by: | |
| | | the presence of litter and debris | 님 |] | oil or scum line along shore obje | ects |
| | | changes in the character of soil | H |] | fine shell or debris deposits (fore | eshore) |
| | | destruction of terrestrial vegetation | \boxtimes | | physical markings/characteristic | S |
| | | shelving | H | | tidal gages other: | |
| | | other: | | ' | other: | |
| | | | | | | |
| | Meai | n High Water Mark indicated by: | | | | |
| | L_ S | urvey to available datum; physical markings; vegeta | tion | li | ines/changes in vegetation types. | |
| | | | | | | |
| <i>=∞</i> | , | and boundaries, as shown on the attached wetland delineation | on m | na | p and/or in a delineation report p | prepared by: |
| | | | | | | |
| Ba | ISIS For | Not Asserting Jurisdiction: | | | | |
| | Unah | eviewed area consists entirely of uplands. | | | | |
| 160 | | le to confirm the presence of waters in 33 CFR part 328(a)(| 1, 2, | , c | or 4-7). | |
| 7.7 | The (| quarters declined to approve jurisdiction on the basis of 33 (| CFR | ζŗ | part 328.3(a)(3). | |
| | Unite | Corps has made a case-specific determination that the followed States: | ving | , w | vaters present on the site are not | Waters of the |
| | | Waste treatment systems, including treatment ponds or la | ~~~ | | | |
| | | Artificially irrigated areas, which would revert to upland | gooi | ns | s, pursuant to 33 CFR part 328.3. | |
| | | Thinkled lakes and bollos created by excavating and/or d | ileim e | ~ | al | |
| | | rotain water and which are used exclusively for such purp | OSES | 5 ' | as stock watering imigation and | 1. 1 |
| | _ | S | | | | ing basins, or |
| | | Artificial reflecting or swimming pools or other small orn | ame | en | tal bodies of water created | |
| | | by Cacavailing and/of diking dry land to retain water for n | rima | : | les a anti- ett | |
| | L1 | water-linea acpressions created in ary land incidental to | canc | at. | motion auticia 1 1 | d in dry land for |
| | | | | | | |
| | | abandoned and the resulting body of water meets the defin 328.3(a). | nitio | n | of waters of the United States fo | und at 33 CFR |
| | | Isolated, intrastate wetland with no nexus to interstate con | | | | |
| | | Prior converted cropland, as determined by the Natural Re | HILLO | irc | es Conservation Somiles E. 1: | |
| | | | | | | i rationale: |
| | H | Non-tidal drainage or irrigation ditches excavated on dry l | and. | | Explain rationale: | |
| | L | Other (explain): | | | | |
| | | | | | | |
| DATAF | REVIE | WED FOR JURSIDICTIONAL DETERMINATION (m | ark | ิล | Il that apply). | |
| Marine Marine | maps, | process of plat sublified by or on hehalf of the applica- | nt. | | ii that appry); | |
| | Data Si | icels prepared/submitted by or on behalf of the applicant | | | | |
| | IU | IIS Office concurs with the delineation report dated | repa | ar | ed by (company): | |
| | Data ch | dated | | | , prepared by (company): | |
| | Corps' | neets prepared by the Corps. navigable waters' studies: | | | • | |
| | U.S. G | eological Survey Hydrologic Atlas: | | | | |
| $\overline{\boxtimes}$ | U.S. G | eological Survey 7.5 Minute Topographic maps: Bayside | | | | |
| | U.S. Go | eological Survey 7.5 Minute Historic quadrangles: | | | | |
| * | U.S. G | cological Survey 15 Minute Historic quadrangles. | | | | |
| \boxtimes | USDA | Natural Resources Conservation Service Soil Survey: Son D | Patrio | ici. | o and Arongoo Court m | |
| | | | aur | CI | o and Aransas Counties, Texas | |
| | State/L | ocal wetland inventory maps: | | | | |
| FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) | | | | | | |
| | Aerial F | r Floodplain Elevation is: (NGVD) Photographs (Name & Date): | | | | |
| | Other n | hotographs (Name & Date): | | | | |
| | Advanc | ed Identification Wetland maps: | | | | |
| | Site visi | t/determination conducted on | | | | |
| | Applica | ble/supporting case law: | | | | |
| | Other in | formation (please specify): | | | | |
| | | | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17783

| PROJECT | LOCATION | INFORM | 1ATION: |
|----------------|----------|--------|---------|
|----------------|----------|--------|---------|

State: Texas Aransas County:

27-58-47/97-05-08 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 35 acres.

Name of nearest waterway: Estes Cove Aransas Bay Name of watershed:

JURISDICTIONAL DETERMINATION

Date: 3 Oct 2005 Completed: Desktop determination Date(s): 3 Oct 2005 Site visit(s)

| Inriedictional | Determination | (JD) | ١: |
|----------------|----------------|------|----|
| .mrisaichonai | Detel mination | (JD) | ,. |

| Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
|--|
| LTD in an approach blo action (Peterence 33 CFR part 331) |

 Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.7 acres.

Matter There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 25 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

| Α. | Waters defined u | inder 33 Cl | FR part 329 | 9 as | "navigable waters of the United States": |
|----|------------------|-------------|-------------|------|--|
| | | | | . 1 | 11 10 fthe tide and/or are precent |

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

| ь. | Waters defined under 35 CFR part 520.5(a) as whether the way in |
|----------|---|
| ∇ | (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in |
| Δ | (1) The presented of waters, which are subject to the ebb and flow of the tide. |
| | interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. |
| 488 | (2) The presence of interstate waters including interstate wetlands'. |
| 200 | (2) The presence of interstate waters metalling |

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

 \bigcirc (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tidal basin and estaurine wetlands adjacent to Estes Cove.

2 FILE NUMBER: SWG05-14-030 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages ☐ shelving Other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Belaire Environmental Inc. **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated 12 Sept. 05, prepared by (company): Belaire Environmetal Inc. Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Estes, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Aransas County, TX National wetlands inventory maps: Estes, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 2022, DOQQ Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG05-07-029

| PROJEC | CT LOCA | TION IN | FORMATION: | | |
|-------------------|-----------------------------------|---|--|--|---|
| Cen App Nar | inty: iter coordi proximate | size of are | te (latitude/longitu a (parcel) reviewe /ay: Petronila Cree Oso Creek | d, including | N27.57003 W97.58518 g uplands: 0.5 acres. |
| JURISD | OICTION | AL DETE Desktop | RMINATION determination | × | Date: 10/4/05 Date(s): |
| | | Site visi | | | Date(s). |
| Jur | risdiction | al Determ | ination (JD): | | - Supraga of the |
| | United S | States" and | Based on available I/or "navigable wa R part 331). | information ters of the U | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| \boxtimes | Check a | ıll that app | ly: | | e action (Reference 33 CFR part 331). |
| | Thei | re are "nav ewed area | rigable waters of the Approximate size | ne United S e of jurisdic | tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area: |
| | ☑ The | re are "wa ed area. A | ters of the United pproximate size of | States" (as jurisdiction | defined by 33 CFR part 328 and associated guidance) within the nal area: 0.01 Acres. |
| | ☐ The | re are "iso | blated, non-naviga. Decision suppor Jurisdiction. | ble, intra-st ted by SW | tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No |
| RASIS | OF JUR | ISDICTIO | NAL DETERMI | NATION: | |
| | Waters | s defined te | inder 33 CFR par | r t 329 as "ı ect to the el | navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in bort interstate or foreign commerce. |
| B. ⊠ | (1) The intersta | presence ate or forei | of waters, which a gn commerce, incl | re currently uding all w s including | as "waters of the United States": used, or were used in the past, or may be susceptible to use in raters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . mudflats |
| | sandfla destruc | ats, wetlan ction of wh which are | ds, sloughs, prairie tich could affect in to or could be used tich fish or shellfis | potholes, verstate con by interstate | tate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or inmerce including any such waters (check all that apply): e or foreign travelers for recreational or other purposes. Ild be taken and sold in interstate or foreign commerce. |
| · | (i (4) Im | ii) which a | re or could be used ts of waters othery | l for indust vise defined | rial purposes by industries in interstate commerce. I as waters of the US. |
| | (5) Th | e presence | of a tributary to a | water ident | r waters of the US, except for those wetlands adjacent to other wetlands |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17783

| La | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 3 | 229 and 220) | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| | Ordinary High Water Mark indicated by: | | | | | | | |
| Said | clear, natural line impressed on the bank | High Tide Line indicated by: | | | | | | |
| | | oil or scum line along shore objects | | | | | | |
| | the presence of litter and debris | fine shell or debris deposits (foreshore) | | | | | | |
| | changes in the character of soil | physical markings/characteristics | | | | | | |
| | destruction of terrestrial vegetation | ☐ tidal gages | | | | | | |
| | shelving | other: | | | | | | |
| | other: | _ | | | | | | |
| R.g | Mean High Water Mark indicated by: | | | | | | | |
| | ☐ survey to available datum; ☐ physical markings; ☐ | vegetation lines/changes in vegetation types | | | | | | |
| × | | | | | | | | |
| | Belaire Environmental Inc. | delineation map and/or in a delineation report prepared by: | | | | | | |
| Ba | sis For Not Asserting Jurisdiction: | | | | | | | |
| 346 | The reviewed area consists entirely of uplands. | | | | | | | |
| | Unable to confirm the presence of waters in 33 CFR par | t 328(a)(1 2 or 4-7) | | | | | | |
| | Headquarters declined to approve jurisdiction on the bas | sis of 33 CFR part 328 3(a)(3) | | | | | | |
| | The Corps has made a case-specific determination that t | the following waters present on the site are not Waters of the | | | | | | |
| | Ginea States. | | | | | | | |
| | Waste treatment systems, including treatment po | onds or lagoons, pursuant to 33 CFR part 328 3 | | | | | | |
| | Affilicially irrigated areas, which would revert to | 0 unland if the irrigation ceased | | | | | | |
| | Artificial lakes and ponds created by excavating | and/or diking dry land to collect and | | | | | | |
| | retain water and which are used exclusively for s | such purposes as stock watering, irrigation, settling basins, or | | | | | | |
| | nee growing. | | | | | | | |
| | Artificial reflecting or swimming pools or other s | small ornamental bodies of water created | | | | | | |
| | by excavating and/or diking dry land to retain wa | ater for primarily aesthetic reasons | | | | | | |
| | water-filled depressions created in dry land incide | dental to construction activity and nite averaged in decision activity | | | | | | |
| | the purpose of obtaining IIII. Sailti. or gravel link | ess and lintil the construction or avaguation | | | | | | |
| | abandoned and the resulting body of water meets | s the definition of waters of the United States found at 33 CFR | | | | | | |
| | 320.5(u). | | | | | | | |
| | Isolated, intrastate wetland with no nexus to inter | rstate commerce. | | | | | | |
| | Prior converted cropland, as determined by the N | Natural Resources Conservation Service. Explain rationale: | | | | | | |
| | | | | | | | | |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): | | | | | | | |
| | | | | | | | | |
| DATAF | REVIEWED FOR JURSIDICTIONAL DETERMINAT | ΓΙΟΝ (mark all that apply): | | | | | | |
| | iviaps, plans, plots or plat submitted by or on behalf of the | e annlicant | | | | | | |
| | Data sheets prepared/submitted by or on behalf of the app | plicant. | | | | | | |
| | This office concurs with the delineation report, dated | f , prepared by (company): | | | | | | |
| P! | This office does not concur with the delineation repo | ort, dated 12 Sept. 05, prepared by (company); Belaire | | | | | | |
| Environn | netai me. | , | | | | | | |
| \bowtie | Data sheets prepared by the Corps. | | | | | | | |
| | Corps' navigable waters' studies: | | | | | | | |
| 달 | U.S. Geological Survey Hydrologic Atlas: | | | | | | | |
| | U.S. Geological Survey 7.5 Minute Topographic maps: E. | stes, TX | | | | | | |
| H | U.S. Geological Survey 7.5 Minute Historic quadrangles: | | | | | | | |
| | U.S. Geological Survey 15 Minute Historic quadrangles: | | | | | | | |
| | USDA Natural Resources Conservation Service Soil Surv | ey: Aransas County, TX | | | | | | |
| × | National wetlands inventory maps: Estes, TX | • | | | | | | |
| | State/Local wetland inventory maps: | | | | | | | |
| | FEMA/FIRM maps (Map Name & Date): | | | | | | | |
| | 100-year Floodplain Elevation is: (NGVD) | | | | | | | |
| | Aerial Photographs (Name & Date): 2022, DOQQ | | | | | | | |
| 20 m | Other photographs (Date): | | | | | | | |
| | Advanced Identification Wetland maps: | | | | | | | |
| | Site visit/determination conducted on: | | | | | | | |
| | Applicable/supporting case law: | | | | | | | |
| ** | Other information (please specify): | | | | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 12769(08)/001

| | | | , | , | | | |
|-----|---------------|---------------------|------------------------|---|--------------------------|-----------------|---|
| PRC | JEC | T LOCA | TION II | NFORMATION | : | | |
| | State Cour | • | TX Nueces | | | | |
| | Cent | er coordin | ates of s | ite (latitude/long | tude): | | N27.81180 W97.14099 |
| | Appr | oximate s | ize of ar | ea (parcel) reviev | ved, inclu | ıding | uplands: 0.2 acres. |
| | | e of meare | | way: Corpus Chr Corpus Christi | Bay | | |
| JUR | | | | ERMINATION | 57 | | D 10/4/05 |
| | Com | ipleted: | Desktor Site vis | determination it(s) | | | Date: 10/4/05 Date(s): |
| | Juri | sdictiona | l Detern | nination (JD): | | | |
| | | United S | tates" an | Based on availab d/or "navigable v R part 331). | le inform vaters of | ation the U | , ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| | \boxtimes | Approve Check al | d JD – A l that ap | n approved JD isply: | an appea | alable | e action (Reference 33 CFR part 331). |
| | | ☑ There the revie | e are "na wed area | vigable waters of a. Approximate s | the Unitize of jur | ed St isdic | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.2 acres. |
| | | There reviewed | e are "w l area. A | aters of the Unite | d States" of jurisdi | (as | defined by 33 CFR part 328 and associated guidance) within the hal area: |
| | | Ther | e are "is | olated, non-navig Decision supp Jurisdiction. | gable, into | ra-sto SWA | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| RA | SIS (| OF JURIS | SDICTI | ONAL DETERM | MINATIO | ON: | |
| 2.1 | | Waters The pres | defined | under 33 CFR p | art 329 a | as "n he eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| | B . | (1) The | nrecence | of waters which | are curre | ently | used, or were used in the past, or may be susceptible to use in |
| | | (2) The | nracance | of interstate wat | ers includ | dino | aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . |
| | | (2) The | - | of other waters | wch ac in | tract | ate lakes rivers streams (including intermittent streams), mudilals, |
| | | doctruct | ion of w | hich could affect | interstate | com: | vet meadows, playa lakes, or natural ponds, the use, degradation or immerce including any such waters (check all that apply): |
| | | | which ar | e or could be use | d by inter | rstate | or foreign travelers for recreational or other purposes. |
| | | (ii) | from wl | nich fish or shellf | ish are or sed for in | · coul dustr | d be taken and sold in interstate or foreign commerce. ial purposes by industries in interstate commerce. |
| | 10 | (4) Imp | oundmei | nts of waters othe | rwise def | fined | as waters of the US. |
| | 且 | (5) The | presence | e of a tributary to | a water i | denti | fied in $(1) - (4)$ above. |
| | 73 3 | (6) The (7) The | presence | e of territorial sea e of wetlands adj | acent ² to | other | waters of the US, except for those wetlands adjacent to other wetlands |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| L; ⊠ | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: |
|---------|---|
| 52 | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| * | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| | Inable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Laureles Ranch, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: Laureles ranch, TX State/Local wetland inventory maps: Laureles ranch, TX State/Local wetland inventory maps: (NGVD) Aerial Photographs (Name & Date): TNRIS 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23950

| State Cou Cen App Nan | e: T nty: V ter coordina proximate size ne of neares | TX Willacy ates of site ze of area at waterwa | ay: Port Mans | gitude ewed, field F | including Iarbor | uplands: 0.4 acres. | | | |
|-----------------------------------|---|--|---|--|--|---|--|--|---------|
| JURISD | npleted: I | L DETEI | Port Mansfie RMINATION determination s) | ٧ | | Date: 10/4/05 Date(s): | | | |
| Jur | isdictional | Determi | nation (JD): | | | | | | |
| | United Sta | ates" and/ | ased on availa for "navigable part 331). | ble int water | formation is of the U | , there appear to the states on the | o be (or) there apple project site. A preli | pear to be no "waters of the iminary JD is not appealable | e le |
| \boxtimes | Approved Check all | JD – An that apply | approved JD y: | is an a | ppealable | e action (Reference | 33 CFR part 331). | | |
| | ☑ There the review | <i>are</i> "navi ved area. | gable waters Approximate | of the | United Stof jurisdic | tates" (as defined by tional area: 0.15acr | / 33 CFR part 329 an es. | nd associated guidance) with | nin |
| | There reviewed | are "wate area. Ap | ers of the Uni proximate siz | ted Sta e of ju | ates" (as risdiction | defined by 33 CFR al area: | part 328 and associat | ted guidance) within the | |
| | There | are "isol | ated, non-nav Decision su Jurisdiction. | pporte | e, intra-st d by SWA | ate waters or wetlar ANCC/Migratory B | nds" within the reviewird Rule Information | wed area. Sheet for Determination of | `No |
| | Waters d | lefined u | aters that are | part (| 329 as "n t to the eb | avigable waters of bb and flow of the ti ort interstate or fore | the United States": de and/or are present eign commerce. | : ly used, or have been used | in |
| B. | (1) The p interstate (2) The p (3) The p sandflats, destruction ☐ (i) w ☐ (ii) f ☐ (iii) [4) Impo [4] [5] The p [6] | or foreign or foreign oresence coresence of wetland on of which are from which which are which are oundments | of waters, whing commerce, of interstate word other waters, sloughs, prochedule affeor could affeor could be under the could be or could be a fish or shelf of a tributary of territorial states. | ch are includ aters in a such airie pet intersed by llfish a used for a ware a second | currently ling all wancluding as intrast otholes, v restate con interstate are or cou or industr e defined atter ident | aters which are subj interstate wetlands ¹ ate lakes, rivers, str wet meadows, playa merce including ar e or foreign traveler ld be taken and sold ial purposes by indi- as waters of the US fifed in (1) – (4) about | ect to the ebb and flo eams (including inter lakes, or natural pon- ny such waters (check is for recreational or co l in interstate or forei justries in interstate co s. | rmittent streams), mudflats, ds, the use, degradation or all that apply): other purposes. gn commerce. | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------|--|
| × | other: |
| | survey to available datum; physical markings; vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Ingleside, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Ge |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 14392(05)/1872 PROJECT LOCATION INFORMATION: State: TX C (

| App Nam | ter coordi | size of area est waterwa | e (latitude/longitude (parcel) reviewed, 1y: Laguna Madre Laguna Madre | e): including | N27.33926 W97.69044 uplands: 0.15 acres. |
|---------------|--|--|--|--|---|
| JURISD Con | ICTIONA | AL DETER Desktop d Site visit(| RMINATION letermination s) | | Date: 10/4/05 Date(s): |
| Jur | isdictiona | ıl Determir | nation (JD): | | |
| 45 | United S | ary JD - Ba States" and/once 33 CFR | or "navigable wate: | formation rs of the U | , ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| \boxtimes | | ed JD – An II that apply | | appealable | e action (Reference 33 CFR part 331). |
| | ☑ Ther | e are "navi ewed area. | gable waters of the Approximate size | United St of jurisdic | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.05 acres. |
| | Ther reviewe | e are "wate d area. Ap | ers of the United St proximate size of ju | ates" (as our isdiction | defined by 33 CFR part 328 and associated guidance) within the lal area: |
| | Ther | e are "isolo | ated, non-navigable Decision supporte Jurisdiction. | e, <i>intra-sto</i> d by SW <i>A</i> | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| | Waters The pre- | defined un | ters that are subjec | 329 as "n t to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| B. | (1) The intersta (2) The (3) The sandfla destruc | presence of presence of presence of presence of ts, wetlands tion of which are of the presence | f waters, which are n commerce, include f interstate waters in f other waters such s, sloughs, prairie p ch could affect inte | currently ling all wancluding in as intrastate otholes, was right interstate | used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, yet meadows, playa lakes, or natural ponds, the use, degradation or immerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. |
| | (ii) (ii) (ii) (4) Imp |) from which i) which are coundments c presence of | th fish or shellfish at or could be used for of waters otherwish a tributary to a way of territorial seas | are or coul for industr se defined ater identi | Id be taken and sold in interstate or foreign commerce. ial purposes by industries in interstate commerce. as waters of the US. fied in (1) – (4) above. waters of the US, except for those wetlands adjacent to other wetlands. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| Lat | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other: |
|-----|--|
| Ø | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| 祭 | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Mansfield, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: Port Mansfield, TX State/Local wetland inventory maps: Port Mansfield, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 14392(05)/1986 PROJECT LOCATION INFORMATION: State: TX County: Aransas N28.06991 W97.10870 Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 0.15 acres. Name of nearest waterway: Copano Bay Name of watershed: Copano Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 10/4/05 Date(s): Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information, \(\square there appear to be \((\text{or}) \square there appear to be no "waters of the appear to be no "waters"). United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres. There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(6) The presence of territorial seas.

| | ral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-----|---|
| X | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | For Not Asserting Jurisdiction: the reviewed area consists entirely of uplands. Junable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the Junited States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | VIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Mata sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Mata sheets prepared by the Corps. Mary and a sheets prepared by (company): Mary and by |

DA

Twetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17601

| State Coun Cente Appr Name | ty: er coordir oximate s | TX Cameron nates of site size of area est waterwa | e (latitude/longitud (parcel) reviewed ıy: Laguna Madre Laguna Madre | e): , including | N26.11533 W97.17343 uplands: 0.25 acres. | | | |
|--|---|--|---|--|---|--|--|--|
| JURISDI Com | CTIONA pleted: | L DETEI Desktop o Site visit(| RMINATION letermination s) | | Date: 8/9/05 Date(s): | | | |
| | | | nation (JD): | | | | | |
| | United S | ary JD - Ba tates" and/ ce 33 CFR | or "navigable wate | nformation ers of the U | , \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable | | | |
| | | d JD – An I that apply | | appealable | e action (Reference 33 CFR part 331). | | | |
| | ☑ There the revie | e are "navi wed area. | gable waters of the Approximate size | United St | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 0.06 acres. | | | |
| | There | e are "wate d area. Ap | ers of the United Sproximate size of j | tates" (as our isdiction | defined by 33 CFR part 328 and associated guidance) within the al area: | | | |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination Jurisdiction. | | | | | | | |
| | Waters The pres | defined un | iters that are subject | 329 as "n et to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. | | | |
| B. | (1) The interstat | presence of | f waters, which are n commerce, inclu | currently ding all wa | used, or were used in the past, or may be susceptible to use in users which are subject to the ebb and flow of the tide. | | | |
| | (3) The sandflat destruct | presence of s, wetlands tion of white which are | f other waters such s, sloughs, prairie p ch could affect into or could be used by th fish or shellfish | n as intrasta ootholes, werstate com y interstate are or coul | interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, yet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ital purposes by industries in interstate commerce. | | | |
| | (4) Imp (5) The | oundments presence o | of waters otherwing a tributary to a waters to reit or its season. | se defined ater identi | as waters of the US. fied in $(1) - (4)$ above. waters of the US, except for those wetlands adjacent to other wetlands | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| | Cordinary High Water Mark indicated by: |
|--------|--|
| × | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Astorical Survey 15 Minute Historic Soil Survey: National wetlands inventory maps: Rockport, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO 2003 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 1-5158

| PROJEC | T LOCATION INFORMATION: | | | |
|--------------------------------------|---|---|--|--|
| State Cour Cent Appr Nam | : TX | e): , including | N28.10424 W97.04627 uplands: 1.35 acres. | |
| JURISD) Com | CTIONAL DETERMINATION upleted: Desktop determination Site visit(s) | ⊠ ⊠ | Date: Date(s): 9/29/05 | |
| Juri | sdictional Determination (JD): | | | |
| Se | Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). | | | |
| \boxtimes | Approved JD – An approved JD is an Check all that apply: | appealable | e action (Reference 33 CFR part 331). | |
| | There are "navigable waters of the the reviewed area. Approximate size | United St | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: | |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: +/- 0.6 acres. | | | |
| | There are "isolated, non-navigable Decision supported Jurisdiction. | e, intra-sto ed by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. | |
| BASIS (| OF JURISDICTIONAL DETERMIN Waters defined under 33 CFR part The presence of waters that are subject the past, or may be susceptible for use | 329 as "n t to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. | |
| B. ⊠ ⊠ | interstate or foreign commerce, include (2) The presence of interstate waters (2) The presence of other waters such | currently ding all wa including i | used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. interstate wetlands ¹ . aterate lakes, rivers, streams (including intermittent streams), mudflats, | |
| | destruction of which could affect inte (i) which are or could be used by (ii) from which fish or shellfish at (iii) which are or could be used to (4) Impoundments of waters otherwise (5) The presence of a tributary to a way. | erstate com | yet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. Id be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. as waters of the US. If it is in (1) – (4) above. Waters of the US, except for those wetlands adjacent to other wetlands. | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

D-17601

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------|--|
| × | Mean High Water Mark indicated by: ⊠ survey to available datum; ⊠ physical markings; □ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA F | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. Diffice concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Isabel, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: Port Isabel, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

D

| NU | T OFFICE: MBER: SWG05-06- | 008 | | |
|--|---|--|---|--|
| State Coun Cente Appr Name | TX Aransas and cr coordinates of site oximate size of area (e of nearest waterway) | d Refugio (latitude/longitud (parcel) reviewed, y: St Charles bay, | , including Copano B | N28.18653 W96.99549 g uplands: 97,920 acres. gay, Aransas Bay, and Carlos Bay |
| ISDI Com | pleted: Desktop de | etermination | | Date: 10/4/05 Date(s): |
| Juri | sdictional Determina | ation (JD): | | |
| Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appeal and (Reference 33 CFR part 331). | | | | n, ☐ there appear to be (or) ☐ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| \boxtimes | | | appealablo | e action (Reference 33 CFR part 331). |
| ☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 29,000 acres. | | | | |
| ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 11,000 acres. | | | | |
| | | Decision supporte | e, intra-sto ed by SWA | ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No |
| | Waters defined und | der 33 CFR part ers that are subject | 329 as "not to the eb | bb and flow of the tide and/or are presently used, or have been used in |
| B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. | | | | |
| | Juris SIS (A. S. | ENUMBER: SWG05-06- JECT LOCATION INFO State: TX County: Aransas an Center coordinates of site Approximate size of area of Name of nearest waterway Name of watershed: S ISDICTIONAL DETER Completed: Desktop do Site visit(s Jurisdictional Determin. Preliminary JD - Base United States" and/o (Reference 33 CFR) Approved JD - An an Check all that apply: There are "naving the reviewed area. Apply the reviewed area. Apply the reviewed area. Apply the past, or may be seen | JECT LOCATION INFORMATION: State: TX County: Aransas and Refugio Center coordinates of site (latitude/longitud Approximate size of area (parcel) reviewed, Name of nearest waterway: St Charles bay, Name of watershed: San Antonio River ISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331). Approved JD - An approved JD is an Check all that apply: There are "navigable waters of the the reviewed area. Approximate size There are "waters of the United St reviewed area. Approximate size of jurisdiction. SIS OF JURISDICTIONAL DETERMINA. Waters defined under 33 CFR part The presence of waters that are subject the past, or may be susceptible for use interstate or foreign commerce, inclusively approached to the past, wetlands, sloughs, prairie paternic transport of the past of the past of the past of the waters such sandflats, wetlands, sloughs, prairie paternic transport of the presence of other waters such sandflats, wetlands, sloughs, prairie paternic transport of the presence of other waters such sandflats, wetlands, sloughs, prairie paternic transport of the presence of a tributary to a well | SILECT LOCATION INFORMATION: State: TX County: Aransas and Refugio Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including Name of nearest waterway: St Charles bay, Copano EN Name of watershed: San Antonio River ISDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Jurisdictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the United States" and/or "navigable waters of the United States" and/or "navigable waters of the United States" and State and |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

I-5154,

| eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: |
|--|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain): |
| Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rockport, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. DA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Rockport, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO 2002 Other photographs (Date): Unknown date; within past 60 days Advanced Identification Wetland maps: Site visit/determination conducted on: 9/29/05 |
| |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: Galveston District

FILE NUMBER: 23683(02)

PROJECT LOCATION INFORMATION:

State: Texas County: Chambers

Center coordinates of site (latitude/longitude): 29-35-26 / 94-51-33 Approximate size of area (parcel) reviewed, including uplands: 0.3 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Ø

Date: 10-11-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.3 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.



Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

SWG-05-06-008

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ other: High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-------------|---|
| \boxtimes | Mean High Water Mark indicated by: Survey to available datum; physical markings; vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Other (explain): |
| Bay SW | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lamar, TX; Rockport, TX; St. Charles Bay, TX; St. Charles TX; Twin Mott Lake, TX; Tivoli SW, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Activational Resources Conservation Service Soil Survey: National wetlands inventory maps: Lamar, TX; Rockport, TX; St. Charles Bay, TX; St. Charles Bay SW, TX; Twin ke, TX; Tivoli SW, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO 2002 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17243

| PPOIFCT | LOCATION | INFORM | ATION: |
|---------|----------|--------|--------|
| | | | |

State:

TX

County:

Jefferson Center coordinates of site (latitude/longitude):

30° 06' 44"N, 94° 08' 42"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Hildebran Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 10-07-05

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hildebrandt Bayou is a navigable water of the US the project may in the surface tributary and/or a expansion of the waters of Hildebrandt Bayou.

FILE NUMBER: 23683(02)

| La ⊡ | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore fine shell or debris deposits (physical markings/characteri tidal gages other: | (foreshor | e) |
|----------------|--|-------------------------------------|------------------------------------|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation ty | pes. | |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation rep | ort prepa | red by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 32 Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excathe purpose of obtaining fill, sand, or gravel unless and until the construction or excavation abandoned and the resulting body of water meets the definition of waters of the United Stat 328.3(a). | 28.3. , settling avated in operatio | basins, or dry land for n is |
| | Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Ex | xplain ra | ionale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): | | |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17.5 Minute Historic quadrangles: U. | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-17536/(01)

PROJECT LOCATION INFORMATION:

State:

TX

County: Brazoria

Center coordinates of site (latitude/longitude):

29° 03' 52"N, 95° 25' 38"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Bastrop Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-07-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

 Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Bastrop Bayou is a navigable water of the US, the project crosses a couple surface tributary of Bastrop Bayou.

| changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: |
|--|
| ean High Water Mark indicated by: survey to available datum; |
| etland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| or Not Asserting Jurisdiction: e reviewed area consists entirely of uplands. able to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). adquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). e Corps has made a case-specific determination that the following waters present on the site are not Waters of the hited States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. |
| Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Theproject does involve activities in or affecting the waters. |
| IEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): ups, plans, plots or plat submitted by or on behalf of the applicant. ta sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): ta sheets prepared by the Corps. rps' navigable waters' studies: S. Geological Survey Hydrologic Atlas: S. Geological Survey 7.5 Minute Topographic maps: S. Geological Survey 7.5 Minute Historic quadrangles: S. Geological Survey 15 Minute Historic quadrangles: DA Natural Resources Conservation Service Soil Survey: tional wetlands inventory maps: te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): D-year Floodplain Elevation is: (NGVD) rial Photographs (Name & Date): vanced Identification Wetland maps: e visit/determination conducted on: plicable/supporting case law: |
| |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17306

PROJECT LOCATION INFORMATION:

State:

TX

Starr County:

Center coordinates of site (latitude/longitude):

26° 22' 16"N, 98° 49' 19"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-07-05

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, M there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 (5) The presence of a tributary to a water identified in (1) (4) above (6) The presence of territorial seas.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Rio Grande is navigable water of the US and it might be in the project area

FILE NUMBER: D-17536/(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): The project does involve activities in or affecting the waters. DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): 1995 Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17583

PROJECT LOCATION INFORMATION:

State: TX

Hidalgo County:

26° 13' 24"N, 98° 15' 01"W (NAD27) Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10-07-05 Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

| | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|---|
| 2 | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | sis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | □ Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: □ Other (explain): Theproject does involve activities in or affecting the waters. |
| DATA 図鑑 図画 図画 図画 図画 図画 図画 図画 図画 図画 図画 図画 図画 図画 | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

¹The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17700

PROJECT LOCATION INFORMATION:

State:

TX

County:

Galveston Center coordinates of site (latitude/longitude):

29° 12' 48"N, 94° 55' 57"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Eckert Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 30 September 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

 Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

 (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are adjacent wetlands on the tract. They are adjacent to Eckert Bayou, a navigable water of the US and within it's area of "expected high flow".

| Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| Other (explain): Theproject does involve activities in or affecting the waters. |
| REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |
| |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17291

PROJECT LOCATION INFORMATION:

State:

TX

County: Montgomery Center coordinates of site (latitude/longitude):

30° 06' 42"N, 95° 23' 05"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Tanthrough Gully

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 10/06/05

Date(s):

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands (per the 87 WDM) are not located in the 100-yr flood palin nor are they part of a surface tributary system and no known nexus to interstate commerce.

| La | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) □ physical markings/characteristics □ tidal gages □ other: |
|--------|--|
| * | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| 4 | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Other (explain): |
| DATA I | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): Dr. Webb This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: 11 (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: (see previous note) Applicable/supporting case law: Other information (please specify): Previous determiniton in the area |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-15672/(01)

| PROJECT LOCATION INFORMATION | ΡD | OIE | CTI | OCA | TION | INFORM | ďΑ | TION |
|------------------------------|----|-----|-----|-----|------|--------|----|------|
|------------------------------|----|-----|-----|-----|------|--------|----|------|

State:

TX

Polk County:

Center coordinates of site (latitude/longitude):

31° 07' 29"N, 94° 47' 52"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands: H, (4) acres.

Name of nearest waterway: Neches River

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 10/05/05

Date(s): January 14 and 15, 2004, April 25-28, and 20-24 June 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - [(iii) which are or could be used for industrial purposes by industries in interstate commerce.
 - (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There are adjacent wetlands within the area of "expected high flow" of the Neches River (a navigable water of the US)

| La | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3 | FILE NUMBER: D-17291 | | | | |
|-----------------------------------|--|--|--|--|--|--|
| 舞 | | | | | | |
| | clear, natural line impressed on the bank | High Tide Line indicated by: | | | | |
| | the presence of litter and debris | oil or scum line along shore objects fine shell or debris deposits (foreshore) | | | | |
| | changes in the character of soil | physical markings/characteristics | | | | |
| | destruction of terrestrial vegetation shelving | ∐ tidal gages | | | | |
| | other: | other: | | | | |
| | | | | | | |
| | | | | | | |
| | survey to available datum; physical markings; vegetat | | | | | |
| E | Wetland boundaries, as shown on the attached wetland delineation | on map and/or in a delineation report prepared by: | | | | |
| | Unable to confirm the presence of waters in 33 CFR part 328(a)(1) Headquarters declined to approve jurisdiction on the basis of 33 CThe Corps has made a case-specific determination that the follow United States: Waste treatment systems, including treatment ponds or lage Artificially irrigated areas, which would revert to upland it Artificial lakes and ponds created by excavating and/or discretain water and which are used exclusively for such purpose irrigated areas, which would revert to upland it retain water and which are used exclusively for such purpose of other small ornates by excavating and/or diking dry land to retain water for proceeding and the purpose of obtaining fill, sand, or gravel unless and unabandoned and the resulting body of water meets the defining 328.3(a). Isolated, intrastate wetland with no nexus to interstate compared to the purpose of obtaining the fill of the fill of the purpose of obtaining the fill of the purpose of obtaining the fill of the fill of the purpose of obtaining the fill of the fi | CFR part 328.3(a)(3). ring waters present on the site are not Waters of the goons, pursuant to 33 CFR part 328.3. f the irrigation ceased. king dry land to collect and oses as stock watering, irrigation, settling basins, or amental bodies of water created imarily aesthetic reasons. construction activity and pits excavated in dry land for til the construction or excavation operation is ition of waters of the United States found at 33 CFR | | | | |
|] | Prior converted cropland, as determined by the Natural Res | | | | | |
| | Non-tidal drainage or irrigation ditches excavated on dry la Other (explain): | nd. Explain rationale: | | | | |
| | I ills office does not concur with the delineation report dated | rk all that apply): t. repared by (company): , prepared by (company): | | | | |
| | Data sheets prepared by the Corps. Corps' navigable waters' studies: | | | | | |
| ■ U | U.S. Geological Survey Hydrologic Atlas: | | | | | |
| ⊠ U | U.S. Geological Survey 7.5 Minute Topographic mans: | | | | | |
| ₩ U | U.S. Geological Survey 7.5 Minute Historic quadrangles: | | | | | |
| U | U.S. Geological Survey 15 Minute Historic quadrangles: | | | | | |
| N | USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: | | | | | |
| ₩ Si | State/Local wetland inventory maps: | | | | | |
| FEMA/FIRM maps (Map Name & Date): | | | | | | |
| 10 | 100-year Floodplain Elevation is: (NGVD) | | | | | |
| A | Aerial Photographs (Name & Date): 1995 & 2003 Other photographs (Date): | | | | | |
| A | Advanced Identification Wetland maps: | | | | | |
| ■ Si | Site visit/determination conducted on: | | | | | |
| A A ₁ | Applicable/supporting case law: | | | | | |
| Ot | Other information (please specify): | | | | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21774(01)

| PROJECT L | OCATION | INFORMA | TION: |
|-----------|---------|----------------|-------|
|-----------|---------|----------------|-------|

State:

Texas

County:

Harris

Lat: 29.37.37 Long: 95.01.46

Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 107 acres.

Name of nearest waterway: Taylor Bayou Name of watershed:

Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 5 October 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the limits United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands on the subject tract were verified under D-10617, D-12555, and D-12555(01)

FILE NUMBER: D-15672/(01)

| | Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I the presence of litter and debris I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----------|--|
| E | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Other (explain): |
| DATA F | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated August 2005, prepared by (company): HDR ☐ This office does not concur with the delineation report, dated August 2005, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: 11 (NGVD) Aerial Photographs (Name & Date): 100-year floodplain Elevation wetland maps: Site visit/determination conducted on: (see previous note) Applicable/supporting case law: Other information (please specify): Previous determination in the area |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23946

| FILE NUMBER | : 23946 | |
|---|--|---|
| State: County: Center coord Approximat | Texas Harris dinates of site (latitude/longitude): e size of area (parcel) reviewed, includir arest waterway: Little Cypress Creek ttershed: Buffalo Bayou | Lat: 30.01.05 Long: 95.40.47 ng uplands: 35 acres. |
| | NAL DETERMINATION : Desktop determination Site visit(s) | Date: 4 October 2005 Date(s): |
| | nal Determination (JD): | |
| United | inary JD - Based on available information States" and/or "navigable waters of the ence 33 CFR part 331). | on, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| | ved JD $-$ An approved JD is an appealab all that apply: | ole action (Reference 33 CFR part 331). |
| The the rev | ere are "navigable waters of the United Strewed area. Approximate size of jurisdi | States" (as defined by 33 CFR part 329 and associated guidance) within ictional area: |
| ⊠ The review | ere are "waters of the United States" (as red area. Approximate size of jurisdiction | s defined by 33 CFR part 328 and associated guidance) within the onal area: |
| □ The | ere are "isolated, non-navigable, intra-s Decision supported by SW Jurisdiction. | state waters or wetlands" within the reviewed area. 'ANCC/Migratory Bird Rule Information Sheet for Determination of No. |
| A. Water The pr | AISDICTIONAL DETERMINATION: rs defined under 33 CFR part 329 as " esence of waters that are subject to the e | navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in |

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: A jurisdicaitonal determination was perform under I-4587.

2 **FILE NUMBER: 21774(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):

(NGVD)

Other information (please specify): D-10617, D-12555, and D-12555(01

100-year Floodplain Elevation is:

Other photographs (Date):

Aerial Photographs (Name & Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 19115(06)

| PROJECT LOCAT | ION INFORMATION: |
|---------------|------------------|
|---------------|------------------|

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29.45.58 Long: 95.04.06

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Houston Ship Channel

Name of watershed:

San Jacinto

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{ (or) } \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Marcher There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No. Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23946

| teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Rose Hill U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Histori |
| |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 17203(09)

| PROJECT | LOCATION | INFORMATION: |
|---------|----------|--------------|
| State: | Texas | |

State: County:

Harris Center coordinates of site (latitude/longitude):

29.7494N; 95.1044W

Approximate size of area (parcel) reviewed, including uplands: 5 acres.

Name of nearest waterway: Houston Ship Channel

Name of watershed:

Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 6 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Houston Ship Channel

2 **FILE NUMBER: 19115(06)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank the presence of litter and debris fine shell or debris deposits (foreshore) physical markings/characteristics changes in the character of soil destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

| FILE | NUMBER: | : 18909(06, |) | | |
|-----------------------|---|---|---|--|--|
| S C C A N | ECT LOCA tate: County: Center coord Approximate Jame of near | Texas Harris linates of si e size of are rest waterw | te (latitude/ ea (parcel) r | longitude): eviewed, including n Ship Channel | 29.7209N; 95.2405W g uplands: 5 acres. |
| | SDICTION Completed: | | determinat | | Date: 6 October 2005 · Date(s): |
| J | urisdiction | al Determ | ination (JE |)): | |
| E | United | States" and | Based on avallor "naviga R part 331). | ble waters of the U | , \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| E | Approv Check a | ed JD – Ar all that app | approved ly: | JD is an appealable | e action (Reference 33 CFR part 331). |
| | I Then the revi | re are "nav ewed area. | rigable wate Approxim | ers of the United St ate size of jurisdic | tates" (as defined by 33 CFR part 329 and associated guidance) within tional area: 1 acre. |
| | Their reviewe | re are "wat ed area. Ap | ters of the Uproximate | Inited States" (as one size of jurisdiction | defined by 33 CFR part 328 and associated guidance) within the al area: |
| | The | re are "iso 🖪 | lated, non-i Decision Jurisdiction | supported by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| | A. Waters The pre | s defined u | nder 33 Cl | e subject to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| l | (1) The intersta (2) The (3) The sandfla destruc | e presence of the or foreign e presence of the presence of the presence of the presence of the presence of the presence of the presence of the presence of the presence of the presence of the | of waters, we need to commerce of interstate of other waters, sloughs, ich could after could be | chich are currently e, including all wa waters including i ers such as intrasta prairie potholes, w fect interstate com used by interstate | used, or were used in the past, or may be susceptible to use in sters which are subject to the ebb and flow of the tide. Interstate wetlands. Interstate wetlands. Interstate wetlands intermittent streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. In the taken and sold in interstate or foreign commerce. |
| | (11) | i) which ar | e or could b | e used for industri | al purposes by industries in interstate commerce. |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Houston Ship Channel

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 17203(09) High Tide Line indicated by:

| | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------|---|
| • | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA F | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pasadena, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23797

| PRO IFCT I | 001 | TON I | NEODA | ATTON. |
|------------|--------------|------------------------------------|--------|---------|
| PRAHETL | $()(\Delta)$ | $\mathbf{I}(\mathbf{I})\mathbf{N}$ | INFURN | TATIUN: |

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, including uplands: 100 acres.

30.0936N; 95.3753W

Name of nearest waterway: Spring Creek Name of watershed: Spring Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 31 May 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

| | Preliminary JD - Based on available information, \(\begin{align*} \text{there appear to be (or)} \equiv there appear to be no "waters of the or "waters" of "waters" of "waters" of "waters" of "waters" |
|-----|---|
| 244 | United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable |
| | (Reference 33 CFR part 331). |

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 47 acres.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 18909(06) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pasadena, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** D-17771

| Stat Cou Cen App Nar | unty: Fort Bend County | | | |
|----------------------------------|---|---|--|--|
| JURISD Con | inpleted. Beskiep determines | Date: 5 October 2005 Date(s): | | |
| Jur | risdictional Determination (JD): | | | |
| | D. D ID Desert on expellable information | ☐ there appear to be (or) ☐ there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable | | |
| Ø | Approved JD – An approved JD is an appealable check all that apply: | action (Reference 33 CFR part 331). | | |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | |
| | There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional | efined by 33 CFR part 328 and associated guidance) within the 1 area: 0.30 acre. | | |
| | There are "isolated, non-navigable, intra-stated Decision supported by SWA! Jurisdiction. | te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No | | |
| | the past, or may be susceptible for use to transpor | rt interstate or foreign commerce. | | |
| B. | (1) The presence of waters, which are currently use interstate or foreign commerce, including all wat (2) The presence of interstate waters including in (3) The presence of other waters such as intrastate sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (i) which are or could be used by interstate (iii) from which fish or shellfish are or could (iii) which are or could be used for industria (4) Impoundments of waters otherwise defined a (5) The presence of a tributary to a water identification. | ers which are subject to the ebb and flow of the tide. Iterstate wetlands ¹ . Ite lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or incree including any such waters (check all that apply): For foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. It purposes by industries in interstate commerce. It was waters of the US. It is did in (1) – (4) above. | | |
| Ē | (7) The presence of wetlands adjacent ² to other v | waters of the US, except for those wetlands adjacent to other wetlands | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Snake Creek is a tributary to the San Bernard River which is a navigable water of the United States.

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ tidal gages □ other: |
|--------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| DATA I | Other (explain): REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Boling, Texas Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. As Geological Survey 15 Minute Historic quadrangles: U.S. As John Matural Resources Conservation Service Soil Survey: National wetlands inventory maps: Boling Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23939

| PROJEC | T LOCATION INFORMATION: | | |
|----------------|--|--|---|
| State Cour | nty: Matagorda | ۸۰ | Latitude 28° 47' 41"N; Longitude -95° 38' 29"W |
| Appi Nam | er coordinates of site (latitude/longitude roximate size of area (parcel) reviewed, e of nearest waterway: Hall Avenue Ca e of watershed: East Matagorda Ba | including nal | uplands: acres. |
| JURISDI Con | ICTIONAL DETERMINATION pleted: Desktop determination Site visit(s) | × | Date: 4 October 2005 Date(s): |
| Juri | sdictional Determination (JD): | | |
| | Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331). | formation rs of the U | , \(\sum_\) there appear to be (or) \(\sum_\) there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| X | Approved JD – An approved JD is an Check all that apply: | appealable | e action (Reference 33 CFR part 331). |
| | the reviewed area. Approximate size | of jurisdic | |
| | There are "waters of the United St reviewed area. Approximate size of ju | ates" (as our isdiction | defined by 33 CFR part 328 and associated guidance) within the al area: |
| | There are "isolated, non-navigable Decision supporte Jurisdiction. | e, intra-sto d by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No. |
| BASIS | OF JURISDICTIONAL DETERMIN | ATION: | Col. III to J Chahan |
| A. | Waters defined under 33 CFR part The presence of waters that are subject the past, or may be susceptible for use | t to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| В. П | Waters defined under 33 CFR part (1) The presence of waters, which are interstate or foreign commerce, included | currently | used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide. |
| | (2) The presence of interstate waters it (3) The presence of other waters such sandflats, wetlands, sloughs, prairie p | ncluding it as intrastated the composition of the c | interstate wetlands ¹ . ate lakes, rivers, streams (including intermittent streams), mudflats, vet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. |
| | (ii) from which fish or shellfish a | are or coul | d be taken and sold in interstate or foreign commerce. |
| | (4) Impoundments of waters otherwise | se defined | ial purposes by industries in interstate commerce. as waters of the US. |
| | (5) The presence of a tributary to a w | ater identi | fied in (1) – (4) above. |
| | (6) The presence of territorial seas.(7) The presence of wetlands adjacen | t2 to other | waters of the US, except for those wetlands adjacent to other wetlands |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Hall Avenue Canal connects to Dead Caney Creek, a navigable water of the United States subject to the ebb and flow of the daily tide. As such, this canal is subject to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) as well as Section 404. Section 10 regulates work and/or structures in navigable waters and/or waters that are subject to the ebb and flow of the daily tide.

FILE NUMBER: 23939

| | eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other: |
|--------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA F | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16860

PROJECT LOCATION INFORMATION:

State: Texas County: Calhoun

Center coordinates of site (latitude/longitude): 28 26' 38" N, 96 24' 11" W Approximate size of area (parcel) reviewed, including uplands: 0.14 acres.

Name of nearest waterway: Matagorda Bay Name of watershed: West Matagorda Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 24 and 30 June 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: the wetland on the property is neighboring, and therefore adjacent, to Matagorda Bay. Matagorda Bay is a navigable water of the United States subject to the ebb and flow of the daily tide. As such, the wetland is subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act and a Department of the Army permit is required to discharge dredged or fill material into it.

| ■ Ordina □ c □ tt □ c □ d □ s | extent of Jurisdiction: (Reference: 33 CFR parts 328 and 32 nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | Aligh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|---|--|
| sur | n High Water Mark indicated by: urvey to available datum; physical markings; vegeta | |
| Wetlan | and boundaries, as shown on the attached wetland delineation | on map and/or in a delineation report prepared by: |
| The re Unable Headq The C | r Not Asserting Jurisdiction: reviewed area consists entirely of uplands. relet to confirm the presence of waters in 33 CFR part 328(a)(a) dquarters declined to approve jurisdiction on the basis of 33 Corps has made a case-specific determination that the followed States: Waste treatment systems, including treatment ponds or la Artificially irrigated areas, which would revert to upland Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such purrice growing. Artificial reflecting or swimming pools or other small or by excavating and/or diking dry land to retain water for yater-filled depressions created in dry land incidental to the purpose of obtaining fill, sand, or gravel unless and water abandoned and the resulting body of water meets the def 328.3(a). Isolated, intrastate wetland with no nexus to interstate con Prior converted cropland, as determined by the Natural Ferror converted cropland. | CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. liking dry land to collect and poses as stock watering, irrigation, settling basins, or namental bodies of water created orimarily aesthetic reasons. construction activity and pits excavated in dry land for intil the construction or excavation operation is inition of waters of the United States found at 33 CFR ommerce. Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry Other (explain): | land. Explain rationale: |
| Maps, Data s Data s Submitted) Submitted) Data s Corps U.S. 0 U | EWED FOR JURSIDICTIONAL DETERMINATION (bs, plans, plots or plat submitted by or on behalf of the applicant a sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated This office does not concur with the delineation report, dated a sheets prepared by the Corps. ps' navigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Port O'G. Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: DA Natural Resources Conservation Service Soil Survey: Calional wetlands inventory maps: Port O'Connor, Texas te/Local wetland inventory maps: MA/FIRM maps (Map Name & Date): -year Floodplain Elevation is: (NGVD) ial Photographs (Name & Date): 1995 1995 1995 1995 1995 2016 211 222 233 243 244 255 261 261 261 261 262 263 263 264 265 265 266 267 268 268 268 268 269 269 260 260 260 260 260 260 | cant. , prepared by (company): (No Delineation report was od , prepared by (company): Connor, Texas quad |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17447

PROJECT LOCATION INFORMATION:

State: Texas County: Galveston

Center coordinates of site (latitude/longitude): 29 29' 39" N, 95 01' 19" W Approximate size of area (parcel) reviewed, including uplands: 30 acres.

Name of nearest waterway: Gum Bayou Name of watershed: North Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 8 Sep 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
 - (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.
 - (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Gum Bayou is a tributary to Dickinson Bayou. Dickinson Bayou is a navigable water of the United States subject to the ebb and flow of the daily tide. As such, Gum Bayou is subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the CLean Water Act and a Department of the Army permit is required to discharge dredged or fill material below the ordinary High Water Line of the bayou.

| La | Ordir | extent of Jurisdiction: (Reference: 33 CFR parts 328 are nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | | igh Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|--|--|--|---|
| <u> </u> | | High Water Mark indicated by: 1. High Water Mark indicated by: 2. Irvey to available datum; physical markings; veg | getatio | on lines/changes in vegetation types. |
| | Wetla | and boundaries, as shown on the attached wetland deline | eation | map and/or in a delineation report prepared by: |
| Ba | The re Unabl Heado The C | Not Asserting Jurisdiction: eviewed area consists entirely of uplands. le to confirm the presence of waters in 33 CFR part 328 quarters declined to approve jurisdiction on the basis of Corps has made a case-specific determination that the fod States: Waste treatment systems, including treatment ponds of Artificially irrigated areas, which would revert to upla Artificial lakes and ponds created by excavating and/or retain water and which are used exclusively for such price growing. Artificial reflecting or swimming pools or other small by excavating and/or diking dry land to retain water for Water-filled depressions created in dry land incidental the purpose of obtaining fill, sand, or gravel unless an abandoned and the resulting body of water meets the of 328.3(a). Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Natural Non-tidal drainage or irrigation ditches excavated on of Other (explain): | 33 CF llowin or lago and if the or dikitourpos ornam or primit to co d until definit commal Reso | FR part 328.3(a)(3). Ing waters present on the site are not Waters of the cons, pursuant to 33 CFR part 328.3. It in irrigation ceased. Ing dry land to collect and ses as stock watering, irrigation, settling basins, or mental bodies of water created marily aesthetic reasons. Instruction activity and pits excavated in dry land for ill the construction or excavation operation is tion of waters of the United States found at 33 CFR merce. Ources Conservation Service. Explain rationale: |
| DATA I | Maps, Data s | WED FOR JURSIDICTIONAL DETERMINATION plans, plots or plat submitted by or on behalf of the applicant prepared/submitted by or on behalf of the applicant of the concurs with the delineation report, dated | olicant nt. | rk all that apply): t. repared by (company): |
| Technolo | ⊠ Th | nis office does not concur with the delineation report, re | ceived | d June 24, 2005, prepared by: Phase One |
| Technology and the second seco | Data si Corps' U.S. G U.S. G U.S. G U.S. G USDA Nation State/L FEMA 100-ye Aerial Other p Advance Site vis | heets prepared by the Corps. In avigable waters' studies: Geological Survey Hydrologic Atlas: Geological Survey 7.5 Minute Topographic maps: Dicking Geological Survey 7.5 Minute Historic quadrangles: Geological Survey 15 Minute Historic quadrangles: In Natural Resources Conservation Service Soil Survey: Geological Survey 15 Minute Historic quadrangles: In Natural Resources Conservation Service Soil Survey: Geological Survey: Ge | Galves Fexas. | ston County Soil Survey Panel 95 of 316, Published May 2, 1983 |
| \boxtimes | | information (please specify): | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-16847

PROJECT LOCATION INFORMATION:

State: Texas County: Brazoria

Center coordinates of site (latitude/longitude): 29 00' 53" N, 95 25' 52" W Approximate size of area (parcel) reviewed, including uplands: 171 acres.

Name of nearest waterway: Flag Lake Drainage Canal

Name of watershed: Austin-Oyster

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date:

Date(s): 2 Aug 2005

Jurisdictional Determination (JD):

| Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
|--|
| (Reference 55 Cr R plate 55 1) |

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Material There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Flag Lake Drainage Canal is an impoundment of rerouted tributary that historically flowed to the Gulf of Mexico. The wetlands are contiguous with, and therefore adjacent to, the Flag Lake Drainage Canal. The adjacent wetlands and the Flag Lake Drainage Canal are waters of the United States subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the Clean Water Act.

| teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|
| Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Michael Baker Jr., Inc. |
| The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 30 Aug 2005, prepared by (company): Michael Baker Jr., Inc. This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Lake Jackson, TX quad U.S. Geological Survey 15 Minute Historic quadrangles: 1963, Lake Jackson, TX quad U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Brazoria County Soil Survey 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1952 and 1963 Black and White photos and 2000, 1995 Color Infrared Other photographs (Date): Site Photos include in the delineation report, Oct 2004 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): 1947, U.S. Army topographic map. |
| |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17132

PROJECT LOCATION INFORMATION:

State: Texas

County: Grimes and Waller

Center coordinates of site (latitude/longitude): 30 14' 28" N, 95 52' 49" W Approximate size of area (parcel) reviewed, including uplands: 590 acres.

Name of nearest waterway: Walnut Creek Name of watershed: Lower Brazos

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date:

Date(s): 10 May 2005

Jurisdictional Determination (JD):

| *************************************** | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
|---|--|
|---|--|

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Matter There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate wettains.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, or natural ponds, the use, degradation or sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Walnut Creek is a tributary to Spring Creek, which is in turn a tributary to the West Fork of the San Jacinto River, which flows into the San Jacinto River. The San Jacinto River is a navigable water of the United States. The jurisdictional wetlands are either contiguous with Walnut Creek or the unnamed tributary of Walnut Creek or are contiguous or neighboring to Walnut Creek and/or the unnamed tributary to Walnut Creek. As such, the adjacent wetland, Walnut Creek, and the unnamed tributary to Walnut Creek are subject to U.S. Army Corps of Engineers jurisdiction under Section 404 of the CLean Water Act.

| τ. | A STATE | FILE NUMBER: D-1/13 | |
|----|--|--|--|
| La | ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 3 Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: | |
| R | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. | | |
| × | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg \(\Phi \) Oliver Associates, Inc. | | |
| Ba | (1, 2, or 4-7). CFR part 328.3(a)(3). wing waters present on the site are not Waters of the agoons, pursuant to 33 CFR part 328.3. if the irrigation ceased. liking dry land to collect and poses as stock watering, irrigation, settling basins, or mamental bodies of water created orimarily aesthetic reasons. construction activity and pits excavated in dry land for ntil the construction or excavation operation is nition of waters of the United States found at 33 CFR mmerce. esources Conservation Service. Explain rationale: | | |
| | ☐ Non-tidal drainage or irrigation ditches excavated on dry☐ Other (explain): | land. Explain rationale: | |
| | REVIEWED FOR JURSIDICTIONAL DETERMINATION (n Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 13 July This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Magnolia U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Soil National wetlands inventory maps: Magnolia West and Plantersvi State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Waller County, Texas 100-year Floodplain Elevation is: 280 (NGVD) Aerial Photographs (Name & Date): 1995 CIR and 2002 real colo Other photographs (Date): 25 Jan 2005, site photos Advanced Identification Wetland maps: Site visit/determination conducted on: 10 May 2005 Applicable/supporting case law: | ant. 2005, prepared by: Berg ♦ Oliver Associates, Inc., prepared by (company): West and Plantersville Texas quadrangle Survey of Austin and Waller Counties lle Texas quadrangle | |
| 34 | Other information (please specify): | | |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17050

| PROJECT | LOCATION INFORMATI | ON: |
|---------|--------------------|-----|
|---------|--------------------|-----|

Texas State: Galveston County:

29 31' 51" N, 95 00'43" W (NAD 27) Center coordinates of site (latitude/longitude):

Approximate size of area (parcel) reviewed, including uplands: 29.0 acres.

Name of nearest waterway: Galveston Bay West Galveston Bay Name of watershed:

| JURISDICTIONAL | DETERMINATION |
|-----------------|---------------|
| JUNIODIC HOLWID | DE LEINING |

| | | AL DETERMINATION Desktop determination Site visit(s) | | Date: Date(s): 07 June 2005 |
|----|----------|--|--------------------------------|--|
| Ju | | al Determination (JD): | | |
| | United S | ary JD - Based on availabl States" and/or "navigable w ace 33 CFR part 331). | e information aters of the | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| × | | ed JD – An approved JD is ll that apply: | an appealab | le action (Reference 33 CFR part 331). |
| | Ther | re are "navigable waters of ewed area. Approximate si | the United S ze of jurisdic | States" (as defined by 33 CFR part 329 and associated guidance) within ctional area: |

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

| *~ | J1 001110 | | | | | | ~ |
|------------|-----------------------|-------------------|---------------|--------|--------|--------|----------|
| A | Waters defined under | 33 CFR part 329 | as "navigable | waters | of the | United | States": |
| <i>n</i> . | Waters uclinica under | oo er re puit bas | B | | | • (| |

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17050

| I | ateral Extent of I | uriadiation. (Deference 22 | OFF . COO . | | FILE NUMBER: D-1703 |
|----------------|--|--|--|--|---|
| | Ordinary High clear, natu the presen changes ir | urisdiction: (Reference: 33 Water Mark indicated by: and line impressed on the bace of litter and debris and the character of soil and ferrestrial vegetation | * | | oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
| Ž. | Mean High Wat ☐ survey to av | er Mark indicated by: ailable datum; physical | markings; vegeta | ition | lines/changes in vegetation types. |
| | Wetland bounda | aries, as shown on the attach | ed wetland delineati | on m | ap and/or in a delineation report prepared by: |
| Bi | The reviewed ar Unable to confir Headquarters de The Corps has n United States: | eatment systems, including to illy irrigated areas, which we lakes and ponds created by iter and which are used excliving. reflecting or swimming potating and/or diking dry land led depressions created in dose of obtaining fill, sand, or ed and the resulting body of intrastate wetland with no neverted cropland, as determine | 33 CFR part 328(a)(a) on on the basis of 33 nation that the follow treatment ponds or labeled excavating and/or dusively for such purpols or other small or to retain water for pry land incidental to regravel unless and unwater meets the defined by the Natural Rese excavated on dry | CFR wing agoon if the iking ooses name constitution mitton | part 328.3(a)(3). waters present on the site are not Waters of the us, pursuant to 33 CFR part 328.3. e irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or intal bodies of water created rily aesthetic reasons. truction activity and pits excavated in dry land for the construction or excavation operation is n of waters of the United States found at 33 CFR tree. Trees Conservation Service. Explain rationale: Explain rationale: All information reviewed. |
| DAT <u>A</u> 1 | U Other (ex | plain): : JURSIDICTIONAL DET | TERMINATION (n | nark | |
| | Data sheets prepa This office of This office of This office of Data sheets prepa Corps' navigable U.S. Geological S U.S. | s or plat submitted by or on behaviored/submitted by or on behaviored with the delineation robes not concur with the delineated by the Corps. waters' studies: Survey Hydrologic Atlas: Survey 7.5 Minute Topograp Survey 7.5 Minute Historic quesources Conservation Service inventory maps: League Cind inventory maps: League Cind inventory maps: (NG in Elevation is: (NG is (Name & Date): TNRIS League Cind (Name & Date): TNRIS Leag | behalf of the applicated of the applicant. The port, dated the applicant of the applicant. The port, dated the application report, dated the applicant. The application report, dated the applicant report report, dated the applicant report report, dated the applicant report re | nt. prepa gue C 3 Gal ¹ 1992 | ared by (company): , prepared by (company): City veston County photo) |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17002

PROJECT LOCATION INFORMATION:

State: Texas

County: Fort Bend County

Center coordinates of site (latitude/longitude): 29 32' 24 N, 95 32' 48" W Approximate size of area (parcel) reviewed, including uplands: ≈ 22 acres.

Name of nearest waterway: Flat Bank Creek

Name of watershed: Lower Brazos

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 13 July 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\sum \) there appear to be (or) \(\sum \) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.



Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.
 - (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Areas that appear to be wetlands are located on the property. The property is located within the 100-year floodplain of Flat Bank Creek. As such, any wetlands that are located on the property would be neighboring, and therefore adjacent, to Flat Bank Creek. Flat Bank Creek is a tributary to Steep Bank Creek which is a tributary to the Brazos River. The Brazos river is a navigable water of the United States. As such, Flat Bank Creek and any wetlands adjacent to it are waters of the United States subject to Coprs of Engineers jurisdiction under Section 404 of the CLean Water Act.

FILE NUMBER: D-17002

| | Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| E | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| B | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328 3(2)(3) |
| DATA MARKET MAR | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Missouri City, TX quad U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: Fort Bend County Soil Survey National wetlands inventory maps: Missouri City, TX quad State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 22 August 2002 100-year Floodplain Elevation is: 67 (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): As built plans for the Sienna North Levee |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23521(01)

| JMBER: 23521(01) | | |
|---|--|--|
| e: Texas nty: Matagorda ter coordinates of site (latitude/longitu roximate size of area (parcel) reviewe ne of nearest waterway: Gulf Intracoas | d, includin stal Waterw | vay (GIW W) |
| ICTIONAL DETERMINATION npleted: Desktop determination Site visit(s) | \boxtimes | Date: 4 October 2005 Date(s): |
| isdictional Determination (JD): | | |
| | informatio ters of the | n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable |
| Approved JD – An approved JD is a Check all that apply: | n appealab | le action (Reference 33 CFR part 331). |
| ★ There are "navigable waters of the reviewed area. Approximate size" | he United S e of jurisdi | States" (as defined by 33 CFR part 329 and associated guidance) within ctional area: |
| ★ There are "waters of the United reviewed area. Approximate size of the United reviewed area." | States" (as jurisdictio | s defined by 33 CFR part 328 and associated guidance) within the onal area: |
| There are "isolated, non-naviga Decision suppo Jurisdiction. | ble, intra-s rted by SW | state waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No |
| Waters defined under 33 CFR pa | rt 329 as " ect to the e | navigable waters of the United States: bb and flow of the tide and/or are presently used, or have been used in |
| (1) The presence of waters, which a interstate or foreign commerce, inc (2) The presence of interstate water (3) The presence of other waters su sandflats, wetlands, sloughs, prairie destruction of which could affect in (i) which are or could be used (ii) from which fish or shellfis (iii) which are or could be used (4) Impoundments of waters others (5) The presence of a tributary to a | re current! luding all v s including ch as intras e potholes, nterstate co by interstat h are or co d for indus wise define water iden | y used, or were used in the past, of may be susceptible to use invaters which are subject to the ebb and flow of the tide. g interstate wetlands ¹ . state lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or immerce including any such waters (check all that apply): te or foreign travelers for recreational or other purposes. uld be taken and sold in interstate or foreign commerce. trial purposes by industries in interstate commerce. d as waters of the US. |
| | TEXAS Inty: Matagorda Iter coordinates of site (latitude/longitustroximate size of area (parcel) reviewed are of nearest waterway: Gulf Intracoast ne of watershed: Central Matagorda ICTIONAL DETERMINATION INTERMINATION INTERMI | TLOCATION INFORMATION: E: Texas Inty: Matagorda ter coordinates of site (latitude/longitude): Iroximate size of area (parcel) reviewed, includin Interest waterway: Gulf Intracoastal Waterwate of watershed: Central Matagorda Bay Hum ICTIONAL DETERMINATION Inpleted: Desktop determination Site visit(s) Isidictional Determination (JD): Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331). Approved JD - An approved JD is an appealab Check all that apply: Interest are "navigable waters of the United States" (as reviewed area. Approximate size of jurisdiction. Interest are "isolated, non-navigable, intrassive Decision supported by SW Jurisdiction. OF JURISDICTIONAL DETERMINATION Waters defined under 33 CFR part 329 as "The presence of waters that are subject to the ethe past, or may be susceptible for use to trans Waters defined under 33 CFR part 328.3(a) (1) The presence of waters, which are currently interstate or foreign commerce, including all versions and flats, wetlands, sloughs, prairie potholes, destruction of which could affect interstate co (ii) which are or could be used by interstate (iii) from which fish or shellfish are or could in the interstate co (iii) which are or could be used for indus (4) Impoundments of waters otherwise define (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tributary to a water iden (5) The presence of a tri |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The GIWW is a navigable water of the U.S. subject to the ebb and flow of the daily tide. The wetlands are not navigable but are adjacent because they are contiguous with the GIWW.

2 FILE NUMBER: 23521(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. П Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Matagorda, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e.,

Other information (please specify): Previous review of project site under 23521 (later withdrawn to modify);

Site visit/determination conducted on: Applicable/supporting case law:

occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Compliance Investigation in 2004 (I-5028) and wetland verification in 2004 (D-16612)

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 15827(05)

| PROJEC State | T LOCATION INFORMATION: : Texas |
|-----------------------------|--|
| Cour Cent Appr Nam | • |
| JURISD Con | ICTIONAL DETERMINATION npleted: Desktop determination |
| Juri | isdictional Determination (JD): |
| | Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). |
| Ø | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| RASIS | OF JURISDICTIONAL DETERMINATION: |
| | Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. |
| B. ⊠ | interstate or foreign commerce, including all waters which are subject to the ebb and flow of the fide. |
| <u>.</u> | |
| | (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. |
| E | (6) The presence of territorial seas. (7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Offatts Bayou is a navigable water of the U.S.

FILE NUMBER: 15827(05) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Galveston, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Other information (please specify): Previous authorizations

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 22659(01)

| DDAIFCT | 1004 | TION | INFO | DM A | TION: |
|---------|---------|------|------|-------|-------|
| DDAIFCT | I ()(') | THON | INFO | KIVIA | TIOI. |

State:

Texas

County:

Orange Center coordinates of site (latitude/longitude):

Lat: 30.10.07 Long: 94.06.34

Approximate size of area (parcel) reviewed, including uplands: 8 acres.

Name of nearest waterway: Neches River Pine Island Gully Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, There appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: 22659(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Pine Forest U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER: 23940**

| PROJECT I | OCATION | INFORMATIO | N: |
|-----------|---------|------------|----|
|-----------|---------|------------|----|

State:

Texas

County:

Chambers

Center coordinates of site (latitude/longitude):

Lat: 29.34.59 Long: 94.52.08

Approximate size of area (parcel) reviewed, including uplands: 0.5 acres.

Name of nearest waterway: Galveston Bay Galveston Bay Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s)

Date: 3 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, 🗌 there appear to be (or) 🗌 there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23940

| La | Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: | Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----------|--|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation l | ines/changes in vegetation types. |
| <u> </u> | Wetland boundaries, as shown on the attached wetland delineation management | ap and/or in a delineation report prepared by: |
| Bai | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, Headquarters declined to approve jurisdiction on the basis of 33 CFR The Corps has made a case-specific determination that the following united States: Waste treatment systems, including treatment ponds or lagoon Artificially irrigated areas, which would revert to upland if the Artificial lakes and ponds created by excavating and/or diking retain water and which are used exclusively for such purposes rice growing. Artificial reflecting or swimming pools or other small ornamer by excavating and/or diking dry land to retain water for primar Water-filled depressions created in dry land incidental to const the purpose of obtaining fill, sand, or gravel unless and until the abandoned and the resulting body of water meets the definition 328.3(a). Isolated, intrastate wetland with no nexus to interstate commer Prior converted cropland, as determined by the Natural Resour Non-tidal drainage or irrigation ditches excavated on dry land. Other (explain): | part 328.3(a)(3). waters present on the site are not Waters of the s, pursuant to 33 CFR part 328.3. irrigation ceased. dry land to collect and as stock watering, irrigation, settling basins, or ntal bodies of water created rily aesthetic reasons. rruction activity and pits excavated in dry land for the construction or excavation operation is a of waters of the United States found at 33 CFR ce. ces Conservation Service. Explain rationale: |
| NE | ☐ This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: | all that apply): red by (company): , prepared by (company): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG

| FILE | NU | MBER: S | SWG-05-0 | 7-033 | | | |
|------|--------------------------------------|---|---|---|--|---|---|
| | State Cour Cent Appr Nam | : nty: er coordir oximate s | Texas Harris nates of signification size of are est waterw | re (latitude/lo a (parcel) rev ay: Garners l Buffalo Bay | ongitude viewed, Bayou | e): including | Lat: 29.59.06 Long: 95.17.20 uplands: 0.1 acres. |
| JUR | ISDI Com | CTIONA | L DETE Desktop Site visit | RMINATIO determination (s) | N n | 2 | Date: 3 October 2005 Date(s): |
| | Juri | sdictiona | l Determi | nation (JD): | : | | |
| | | United S | tates" and | ased on avai /or "navigabl R part 331). | lable in le water | formation rs of the U | , ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable |
| | Ø | Check al | l that appl | y: | | | e action (Reference 33 CFR part 331). |
| | | There the revie | e are "nav wed area. | igable waters Approximat | s of the | United Stof jurisdicate | ates" (as defined by 33 CFR part 329 and associated guidance) within tional area: |
| | | There reviewed | e are "wat I area. Ap | ers of the Un oproximate si | nited State | ates" (as our isdiction | defined by 33 CFR part 328 and associated guidance) within the al area: |
| | | There | e are "iso 🔲 | lated, non-na Decision su Jurisdiction | upporte | e, intra-sta d by SWA | ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of N |
| BAS | | Waters The pres | defined u | aters that are | R part subjec | 329 as "n t to the eb | avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce. |
| | B. | (1) The interstate (2) The (3) The sandflate destruct | presence of e or foreign presence of presence of s, wetland | of waters, when commerce of interstate work other waters, sloughs, proche could affer | ich are i, includ waters i rs such rairie pe | currently ling all wancluding it as intrastantholes, we estate com | used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide. nterstate wetlands ¹ . the lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or or purposes. |

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Garners Bayou is a named water way on the USGS maps.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: SWG-05-07-033

| | Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|--------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| | Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Humble, TX U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Dealogical Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadran |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17765

| PROJECT LOCATION INFORMATION: | | | | |
|-------------------------------|-----------|--|--|--|
| State: | Texas | | | |
| County: | Galveston | | | |

Center coordinates of site (latitude/longitude):

Lat: 29.32.45 Long: 95.04.42

Approximate size of area (parcel) reviewed, including uplands: 0.005 acres.

Name of nearest waterway: Clear Lake Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 October 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, _ there appear to be (or) _ there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Clear Lake is a named waterway on the USGS maps

2 FILE NUMBER: D-17765 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 23927

| Star Cou Cer App Nar | inty: Galveston iter coordinates of site proximate size of area | | cluding upland | e 29 32' 36.75N; Longitude -94 33' 26.29"W s: acres. | |
|----------------------------------|--|---|--|---|--|
| JURISI Co | DICTIONAL DETER mpleted: Desktop of Site visit(| determination 🔀 | Date: 2 | October 2005): | |
| Ju | risdictional Determin | nation (JD): | | | |
| | | ased on available inford for "navigable waters o | rmation, \square the of the United S | re appear to be (or) there appear to be no "waters of the ates" on the project site. A preliminary JD is not appealable | |
| Z | Check all that apply | y: | | (Reference 33 CFR part 331). | |
| | There are "navithe reviewed area. | igable waters of the Un Approximate size of ju | nited States" (a jurisdictional a | s defined by 33 CFR part 329 and associated guidance) within rea: | |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | |
| | ☐ There are "isol☐ | lated, non-navigable, in Decision supported b Jurisdiction. | intra-state wate by SWANCC/M | rs or wetlands" within the reviewed area. Migratory Bird Rule Information Sheet for Determination of No | |
| BASIS A D | Waters defined u | aters that are subject to | 9 as "navigab the ebb and f | e waters of the United States": ow of the tide and/or are presently used, or have been used in state or foreign commerce. | |
| | B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. | | | | |
| 1 | Rationale for the Bas | sis of Jurisdictional D | etermination | (applies to any boxes checked above). If the jurisdictional | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: East Galveston Bay is a navigable water of the U.S.

FILE NUMBER: 23927

| La | teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Frozen Point U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Autural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRIC | CT OFFICE: CESWG-PE-RC JMBER: D-17375 (Site 1) | | |
|--|--|--|--|
| Stat Cou Cen App Nar | ct Location Information: e: Texas inty: Harris County ter coordinates of site (latitude/longitude): 29° 51' 50"N, 95° 11' 00"W (NAD27) ter coordinate size of area (parcel) reviewed, including uplands: acres. ne of nearest waterway: Carpenter Bayou ne of watershed: Buffalo-San Jacinto | | |
| JURISD Cor | Date: 28 September 2005 Site visit(s) Date: 28 September 2005 Date(s): | | |
| Jur | risdictional Determination (JD): | | |
| Ø | there appear to be no "waters of the | | |
| 国 | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: | | |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | |
| There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. | | |
| | OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. | | |
| B. | interstate or foreign commerce, including all waters which are subject to the ebb and flow of the fue. (2) The presence of interstate waters including interstate wetlands ¹ . (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. | | |
| | (5) The presence of a tributary to a water identified in (1) – (4) above. | | |
| R | ationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional atter or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17375 (Site 1) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetat physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated _____ This office concurs with the delineation report, dated ______, prepared by (company):

This office does not concur with the delineation report, dated ______, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Jacinto City U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: 1979 A 1999 Vacato Cty State/Local wetland inventory maps: 1979 and 1999 Jacinto City FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 710 of 1135 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Jacinto City DOQQ Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| DISTRIC' FILE NUI | T OFFICE: CESWG-PE-RC MBER: D-17375 (Site 2) | | | | |
|--|--|--|--|--|--|
| State: Coun Cente Appro Name | T LOCATION INFORMATION: Texas ty: Harris County or coordinates of site (latitude/longitude): 29° 46' 17"N, 95° 43' 44"W (NAD27) oximate size of area (parcel) reviewed, including uplands: acres. e of nearest waterway: Mason Creek e of watershed: Buffalo-San Jacinto | | | | |
| JURISDI Com | CTIONAL DETERMINATION pleted: Desktop determination Site visit(s) Date: 28 September 2005 Date(s): | | | | |
| Juris | edictional Determination (JD): | | | | |
| • | Preliminary JD - Based on available information, \(\sum_{\text{there appear to be (or)}} \sum_{\text{there appear to be no "waters of the United States"}} \) on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). | | | | |
| | Approved JD $-$ An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: | | | | |
| | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | |
| | There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. | | | | |
| | Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. | | | | |
| B. | Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands | | | | |
| | (7) The presence of wettake asjacta | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: D-17375 (Site 2) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris changes in the character of soil fine shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated ______, prepared by (company): ☐ This office does not concur with the delineation report, dated ______, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Addicks U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: 1999 Addicks State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County, Texas Panel 615 of 1135

100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Addicks DOQQ

Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Other photographs (Date):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

| FILI PRO | E NU JEC State Coun Cent Appr Nam | | | | |
|--|---|---|--------|--|--|
| JUR | ISDI Com | CTIONAL DETERMINATION pleted: Desktop determination Site visit(s) Date: 09/28/05 Date(s): | | | |
| | Juri | edictional Determination (JD): | | | |
| | | Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). | e e | | |
| | Ø | Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: | | | |
| | | There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area: | iin | | |
| There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: | | | | | |
| | There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. | | | | |
| ВА | BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. | | | | |
| | B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands. | | | | |
| | and Colored to Distance | | | | |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER:

D-17515

| | Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-----|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: ECHO, Texas U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actional Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): Other photographs (Date): Site aerial photos Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Applicant's information |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17410

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center coordinates of site (latitude/longitude):

30 12'40"N 95 27'57"W

Approximate size of area (parcel) reviewed, including uplands: 23 acres.

Name of nearest waterway: Carters Slough Carters Slough Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 15 September 2005 Date(s): 14 September 2005

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Market There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.65.

☑ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands met the criteria of the 1987 Manual and are neighboring Carters Slough wich flows into the West Fork San Jacinto River, which, downstream, is navigable and subject to the ebb and flow of the daily tide.

FILE NUMBER: D-17410

| La * | Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Image: All Company of the part of the part of the presence of litter and debris oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|---|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| W | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Ba | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| 《四國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國國 | REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 13 June 2005, prepared by (company): Entrix This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1977 Tamina U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geological Surve |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17084

| PROJECT | TOCA | TION | INFORM | MATION: |
|---------|------|------|--------------|-----------|
| PROJECT | LANA | | II AI. O IV. | TAX TOTAL |

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

Lat: 29-54-46.0748 N

Long: 95-25-43.7913 W

Approximate size of area (parcel) reviewed, including uplands: 25 acres.

Name of nearest waterway: Halls Bayou

Name of watershed:

Buffalo River-San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 22 August 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\simega\) there appear to be (or) \(\simega\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17084

| Lat | Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: I the presence of litter and debris of the presence of litter and debris destruction of terrestrial vegetation other: |
|--------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain): |
| DATA I | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Aldine, Tex. 1982 U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Hatural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Harris County Panel 470 of 1135 dated 6 November 1996 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Infrared Aerial Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17338

| DDATECT | LOCATION | INFORMA | TION: |
|-----------|----------|------------|-------|
| PRUJIKA I | LUCATION | TIAL OTCHE | |

State:

Texas

County:

Harris

Center coordinates of site (latitude/longitude):

Lat: 29-45-48.2212 N Long: 95-10-33.1778 W

Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Greens Bayou

Name of watershed:

Buffalo Bayou-San Jacinto River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 23 August 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{(or)} \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

 Approved JD − An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[1] The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate with with the presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams). sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17338

| Lat | Ordinary High Water Mark indicated by: I clear, natural line impressed on the bank I changes in the character of soil I destruction of terrestrial vegetation Shelving Ordinary High Water Mark indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|----------|--|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: |
| | Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| 3 | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated This office does not concur with the delineation report, dated Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Jacinto City, Tex. 1982 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geo |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

| Galveston I-4956 |
|---|
| site (latitude/longitude): 29° 57' 04"N, 95° 32' 22"W rea (parcel) reviewed, including uplands: _N/A acres. rway: Greens Bayou Buffalo/San Jacinto |
| ERMINATION p determination Date: 8/25/05 sit(s) Date(s): |
| Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the nd/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable FR part 331). |
| An approved JD is an appealable action (Reference 33 CFR part 331). uply: |
| avigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within a. Approximate size of jurisdictional area: |
| vaters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the Approximate size of jurisdictional area:N/A |
| solated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. |
| ONAL DETERMINATION: I under 33 CFR part 329 as "navigable waters of the United States": waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in be susceptible for use to transport interstate or foreign commerce. |
| e of waters, which are currently used, or were used in the past, or may be susceptible to use in eign commerce, including all waters which are subject to the ebb and flow of the tide. The of interstate waters including interstate wetlands. The of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, ands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or which could affect interstate commerce including any such waters (check all that apply): are or could be used by interstate or foreign travelers for recreational or other purposes. Which fish or shellfish are or could be taken and sold in interstate or foreign commerce. The are or could be used for industrial purposes by industries in interstate commerce. The of waters otherwise defined as waters of the US. The of a tributary to a water identified in (1) – (4) above. The of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands are of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands. |
| Sur Cols in the Application of the Light of the Color was a second and the |

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination.

FILE NUMBER: 1-4956

| | Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other: |
|-----|---|
| | Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. |
| | Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: |
| Bas | The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): |
| | Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated, prepared by (company): This office does not concur with the delineation report, dated, prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Satsuma, 1982 U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. According Service Soil Survey: National wetlands inventory maps: USFWS< Satsuma, 1991 State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): FEMA Floodplain Maps 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): DOQQ 1995 CIR Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): |

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.